

A. G. Contract No. KR-88-0019-TRD

ECS File: IGA-87-26
Project: VLT-900-936
Fund: 82560
Section: Jerome State Park

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
YAVAPAI COUNTY

THIS AGREEMENT is entered into February 23, 1988,
between the STATE OF ARIZONA, acting by and through its
DEPARTMENT OF TRANSPORTATION (the "State") and YAVAPAI COUNTY,
acting by and through its Board of Supervisors (the "County").

I. RECITALS

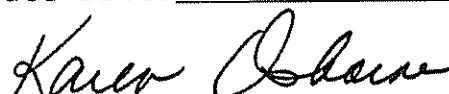
1. The State is empowered by Arizona Revised Statutes Sections 11-952 and 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The County is empowered by Arizona Revised Statutes Section 11-251 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute same on behalf of the County.

3. In accordance with Arizona Revised Statutes Section 28-1822(A)(8), the State is installing drainage facilities and reconstructing the access road from U.S. Highway 89A to the Jerome State Park.

FILED WITH SECRETARY OF STATE

NO. 12771
Date Filed 2-26-88


Acting SECRETARY OF STATE

4. The County makes use of said access road.

5. The County and State desire to establish maintenance responsibilities for the road.

THEREFORE, the parties hereto agree as follows:

II. SCOPE OF WORK

1. The State shall develop a project for reconstruction of the access road from U.S. Highway 89A to the museum parking area according to its standards, specifications and procedures. The project shall include plans, contract bid and award process, and contract administration during construction.

2. The State shall pay construction costs, estimated to be \$1,100,000, required for said improvements.

3. The State shall acquire in the name of the County additional rights of way for purposes of roadway construction, where necessary. The Deputy Chief Right of Way Agent, ADOT Right of Way Section, is herein authorized to accept conveyances of right of way for these purposes on behalf of Yavapai County.

4. The County shall provide to the State design information as required and necessary permits allowing for the contemplated construction.

5. Upon completion of construction, the County shall maintain and operate said Park access road from Station P.R.C. 33+27.15 Ahead to the Jerome State Park boundary, as more specifically shown on the map attached hereto as Exhibit "A".

III. MISCELLANEOUS PROVISIONS

It is further agreed by and between the parties hereto that:

1. This agreement is subject to cancellation by the Governor pursuant to the provisions of Arizona Revised Statutes Section 38-511.

2. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

3. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518 (B) and (C) as amended.

4. Attached hereto and incorporated herein by reference are copies of the written determinations by each agency's legal council that this agreement is in proper form and within the authority granted to the respective agencies under State law.

5. This agreement shall become effective on the date of filing with the Secretary of State.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

YAVAPAI COUNTY

STATE OF ARIZONA

Department of Transportation

By Charles Sanders
Its Chairman, Board of Supervisors

By W. O. Ford
W. O. FORD
State Engineer

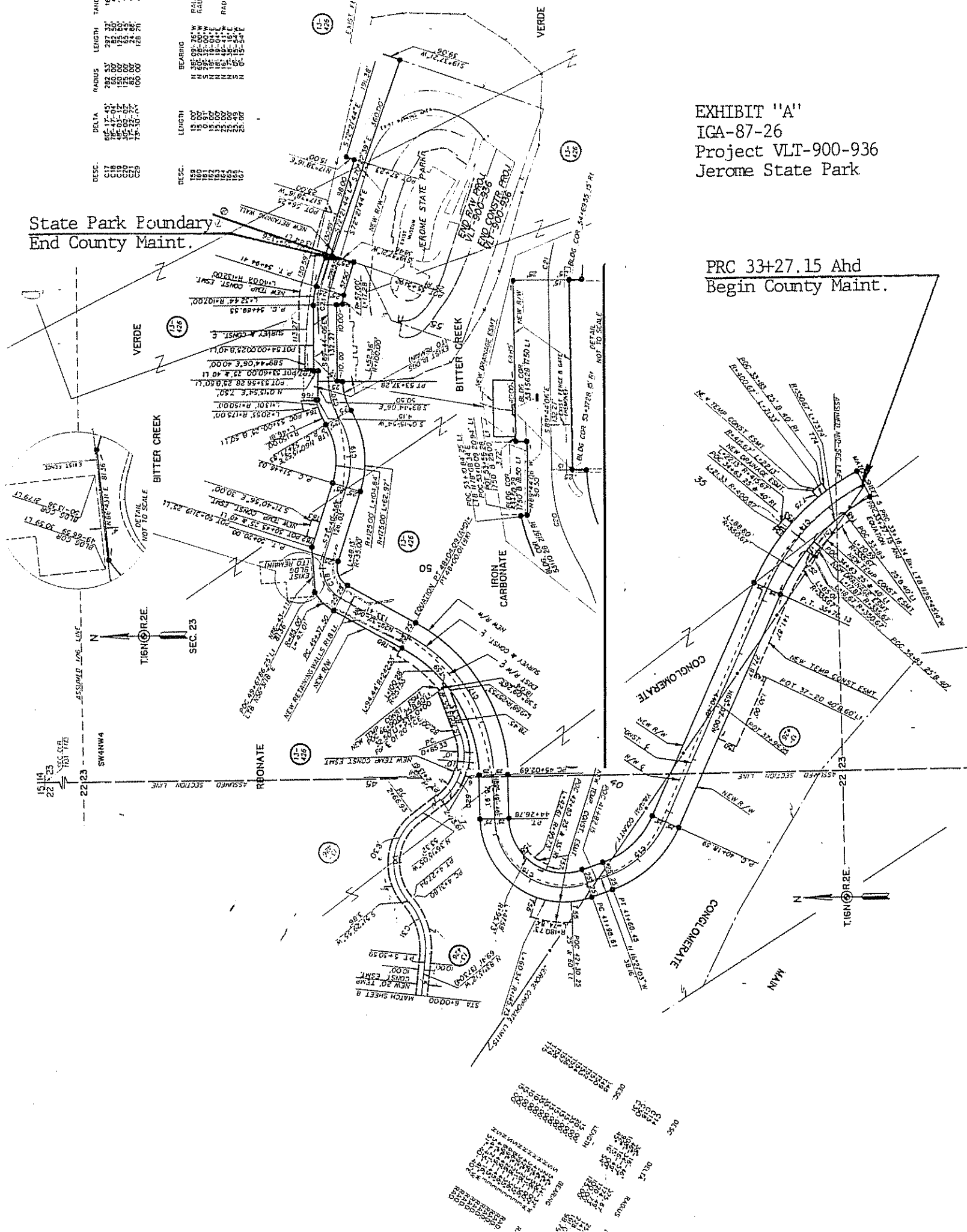
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State Park Boundary
End County Maint.

EXHIBIT "A"
IGA-87-26
Project VLT-900-936
Jerome State Park

PRC 33+27.15 Ahd
Begin County Maint.



CERTIFIED COPY OF ENTRY IN OFFICIAL MINUTES
OF THE YAVAPAI COUNTY BOARD OF SUPERVISORS

YAVAPAI COUNTY)
) ss:
ARIZONA)

Ann-Lawrie Aisa, having been first duly sworn, deposes and says:

I am the duly appointed, qualified and acting Clerk of the Yavapai County Board of Supervisors and in such capacity under the provisions of ARS Section 11-241 am charged with the responsibilities, among others, of recording all proceedings of the Board and maintaining custody of such records of the Board as are required by law to be maintained. Among the records of which I have custody is the official minute book of the Board of Supervisors which under the provisions of ARS Section 11-217 is required to be made and kept.

Set forth below is a copy of an entry in the aforesaid minute book of which, as aforesaid, I am the officer having the legal custody. This is my certificate under the provisions of Rule 44 (A), Rules of Civil Procedure, and the Uniform Business Records Act, that the said copy is a true and correct copy thereof, to which I attest by my signature subscribed hereunto:

DATE of meeting of which the minutes are a record: January 25, 1988

The entry in the said minutes:

County Engineer Jerry Mumford presented to the Board for approval an inter-governmental agreement with the Arizona Department of Transportation to improve the Jerome State Park access road. He said that the cost of the project would be approximately \$1,100,000 and that the County would not be expected to contribute any funds to this project. He said that the project was necessary because of the poor condition of the existing road, which has suffered some major settlement failures in the road foundation and that the County does not now maintain any portion of the road but would be expected to maintain that portion of the road which lies within Yavapai County upon completion of the improvements. He said that the County and other public entities had been invited to participate in the

February 16, 1988

RECEIVED
FEB 17 1988

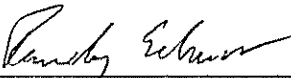
Engineering Consultants
Services

Mr. Le Roy Brady
206 S. 17th Avenue Room 228
Phoenix, Arizona 85007

Re: Jerome State Park Access Road ADOT Project VLT-900-936

Statement on the above captioned as per telephone request 2/16/88.

I have reviewed the referenced agreements between Yavapai County and the State of Arizona pursuant to ARS 11-251 and have determined that it is in the proper form and is within the powers and authority granted to Yavapai County.



Randy Schurr, Deputy County Attorney

February 16, 1988

February 16, 1988

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ARIZONA DEPARTMENT OF TRANSPORTATION
ROADSIDE DEVELOPMENT

PROJECT: VLT-900-936
SECTION: Jerome State Park

RESOLUTION

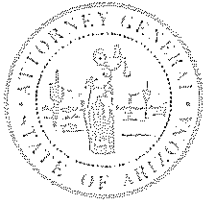
BE IT RESOLVED on this 19th day of November, 1987, that I, CHARLES L. MILLER, as Director, ARIZONA DEPARTMENT OF TRANSPORTATION, have determined that it is in the best interests of the State of Arizona, that the DEPARTMENT OF TRANSPORTATION, acting by and through the Highways Division, enter into an Intergovernmental Agreement with the County of Yavapai wherein the Department of Transportation will reconstruct access roads to State Parks lands including, but not limited to, drainage easements, construction easements and road rights of way.

THEREFORE, authorization is hereby given to draft said Agreement which, upon completion, shall be submitted for approval and execution by the State Engineer.


Charles L. Miller, Director
Arizona Department of
Transportation

TE:ks

0063e/



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert R. Corbin

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. KR88-0019, is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 24th day of February, 1988.

ROBERT K. CORBIN
Attorney General

A handwritten signature in cursive script, reading "James R. Regan".

Assistant Attorney General
Transportation Division